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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,515	12/22/2000	Turkka Keinonen	4925-78	1742

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EXAMINER

ZEWDU, MELESS NMN

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,515

Applicant(s)

KEINONEN ET AL.

Examiner

Meless N Zewdu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on 6/11/04.
2. Claims 1-34 are pending in this action.
3. This action is final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 11-15, 22, 23, 25-28 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (Patent #5,426,594) in view of Alproovich ((Patent # 6,175,741).

In regard to Claims 1, 12, 25-28, Wright discloses a communication system between terminals, the system comprising: at least two terminals communicating with each other; an interface module enabling access to a data object for controlling with a terminal of a first party, said data object being associated with a second party (Fig. 1, item 108 and Fig. 5, item 502)(C2, L. 56-63 and C11, L.17-27). However, Wright fails to disclose

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that a notifying message to be sent substantially instantly to at least a predefined terminal of the second party each time said data object is activated by the terminal of the first. Alproovich teaches in his system and method that each time a data object is sent from one terminal to another, a notification message is activated to inform all parties of such update (C8, L.58-67) [The Examiner interprets the business card data update associated with a notification process to be equivalent to the Applicant's claim for sending a notifying message to a predefined terminal of the second party each time a data object is activated by the terminal of the first party]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow Alproovich on Wright in order to provide a better notification method.

In regard to Claims 2, 15, and 32 Wright discloses the communication system wherein said data object comprises association data regarding at least one of a source, originator, target, and subject of said data object .

In regard to Claims 3 and 13, Wright further discloses the communication system, wherein said data object accessible through an interface module is stored on one of the terminal of the first party and a network element accessible to the first party (C4, L. 37-55).

In regard to Claims 4 and 14, Wright also discloses the communication system further comprising stored contact information about the second party in one of the terminal of the first party and the network element accessible to the first party (C4, L. 54-58).

In regard to Claims 11 and 22, Wright further discloses the communication system, wherein the data object to be activated comprises at least one of an email, a contact directory entry, a phonebook entry, a short message service message, a text message, an image, a picture, a video clip, an audio clip, and an animation associated with the second party (Fig.1, item 136 Email Browser).

In regard to Claim 23, Wright discloses the method, wherein the step of activating the data object comprises one of accessing, reading, writing, drawing, editing, copying, forwarding, moving, renaming, combining, showing details of, attaching a message to, using, listening to, and viewing the data object (C5, L. 25-50).

In regard to Claim 33, Wright discloses a mobile terminal comprising means by which a user may use the mobile terminal to access or select a data object, wherein said data object is associated with an associated party; and means for sending a notification message to the associated party whenever the user of mobile terminal uses it to access or select the

data object; wherein the notification message is sent to the associated party in order to make the associated party aware that the data object with which the associated party is associated is being or has been accessed or selected by the user of the mobile terminal (Fig. 1)(C2, L. 31-46; C3, L. 54; C4, L.1-28; C6, L. 35 and C7, L.1-41). However, Wright does not disclose a communication system to be particularly a cellular system. Alproovich teaches in his system and method to be applied in a cellular system (Abstract)(C2, L.52-66). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to follow Alproovich on Wright in order to provide more enhanced methods and applications for cellular systems.

In regard to Claim 34, Wright discloses a mobile terminal further comprising means by which the user the mobile terminal may use the mobile terminal to make the association between the data object and the associated party (C4, L. 37-55).

2. Claims 5, 6, 16, 17, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (Patent # 5,426,594) in view of Alproovich ((Patent # 6,175,741) in further view of Schroeder (Patent # 6,032,053).

In regard to Claims 5,6,16,17,29 and 30 the combined system of Wright and Alproovich discloses a communication system wherein the predefined

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terminal of the second party further comprises a transceiver for receiving the notifying message (Abstract; C2, L.30-46); Wright fails to disclose that means for imparting at least one of a tactile signal, an auditory signal and a visual signal to be sensed by the second party upon receiving the notifying message at the second terminal. Also, Wright fails to disclose the means for imparting the tactile signal comprises means for imparting at least one of a vibration, a deformation, and a change in temperature. However, Schroeder teaches such means of imparting (C7, L. 63-66; C8, L.1-20). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include Schreoder's means of signal imparting in order to ensure receipt of messages.

1. Claims 7, 18, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (Patent # 5,426,594) in view of Alproovich ((Patent # 6,175,741) in view of Schroeder (Patent # 6,032,053) in further view of Hoff (Patent #5,054,594).

In regard to Claims 7, 18, and 31, the combined system does not disclose the communication system, wherein the means for imparting a tactile signal to be sensed by the second party comprises means for imparting the tactile signal to the second party by a device wirelessly linked to the second terminal (C7, L.63-66; C8, L.1-20). However, it does not disclose the wireless link to be a short-range communication link. Hoff teaches in

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his modified system, the short-range communication link (C5, L.46-56; C7, L.30-33). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include Hoff's link in order to provide the second receiving terminal with a short-range communication capability.

2. Claims 8-10 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright (Patent # 5,426,594) in view of Alproovich ((Patent # 6,175,741) in view of Schroeder (Patent # 6,032,053) in further view of Doe (Patent #5,973,612).

In regard to Claims 8-10 and 19-21, the combined system discloses the communication system, wherein the predefined terminal of the second party further comprises a transceiver for receiving the notifying message (Wright; Abstract; Fig.1, item 102; C3, L. 54-68; C4, L.1-28). The combined system fails to disclose that the notifying message comprises at least one of a plurality of different types of notifying messages available to send to the second party. Deo teaches the concept of plurality of different types of messaging (Abstract; C3, L. 7-11). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the plurality of message types in order to provide more flexibility.

3. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over

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Wright (Patent # 5,426,594) in view of Alproovich ((Patent # 6,175,741) in further view of Cushman (Patent # 6,125,287).

In regard to Claim 24, the combined system discloses a mobile terminal communicating with other terminals, the mobile terminal comprising; a processor; a storage device; and software means operative on the processor comprising: means for maintaining in the storage device a database listing identified communication partners of a party; means for associating data objects with the identified communication partners (Abstract; Fig. 1; C2I, L. 31-46; C3, L. 54-68; C4, L.1-28; C6, L. 35-68; C7, L.1-41). However, the combined system does not disclose explicitly the means for periodically scanning whether any of the associated data objects is being activated; and means for sending a notifying message to at least one of the identified communication partners substantially instantly each time one of the data objects is activated. Cushman teaches such means of scanning upon activation (C4, L.54-64; C5, L.34-37). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to follow Cushman's method in order to provide better notification.

Response to Arguments

Applicant's arguments filed 6/11/04 have been fully considered but they are not persuasive. Applicant's argument/s and respective response/s appear below.

Argument I: with regard to all claims, particularly claims 1, 12, 25, 33, applicant argues by saying "it is difficult to follow the logic of the examiner's reasoning" and by asking "how can, 'each time a data object is sent from one terminal to another, a notification message is activated to inform all parties of such update'" be equivalent to "sending a notifying message to a predetermined terminal of the second party each time a data object is activated by the terminal of the first party"?

Response I: examiner respectfully disagrees with the indicated argument. First, it is to be noted that Wright discloses an electronic greeting card system wherein a first communicator sends electronic greeting card ID and "personalized message" to a second communicator. Here, personalized indicates that the second communicator can also be a predetermined/known/recognized terminal or called party. Please, see figures 4 and 5. Wright also disclose about including originator information to the electronic greeting card to identify the message originator (see col. 11, lines 17-27). Instead of or in the manner like identifying the originator, it would have been possible/obvious to identify the message itself. The relevant features/issues here are, the sending of a second message

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associated with a first message wherein the association has to do with notification.

Argument II: with regard to claims 1, 12, 24, 25 and 34, applicant further argues by saying "in short, Alperovich is a system for updating data files stored on mobile stations, **not** a system for notifying a specific person when one or more particular data objects are activated in a particular mobile station.

Response II: examiner again and respectfully disagrees with the argument. The greeting card message also includes originator information to identify the message originator, which similar to message notification, as described above.

Argument III: regarding claims 1, 12, 24, 25 and 33, applicant argues by saying, "thus the combination of Alperovitch and Wright et al neither teaches nor suggests sending a notification each time a data object is activated by a specific mobile terminal.

Response III: examiner again disagrees with the argument. Wright is shown, as discussed above, as having disclosed a first communicator/terminal sending/transmitting a message and source/originator information to a second communicator/terminal (see argument 1). Furthermore, Alpperovich teaches that a business card can be sent with an update message. In other words, the update message accompanies the business card message. This shows that two a second message can be sent each time a first message is sent/activated. When the two references are combined as shown in the body of the rejection, Wright's greeting card message and the greeting card originator information can be coordinated in a manner taught by Alperovich.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N Zewdu whose telephone number is (703) 306-5418. The examiner can normally be reached on 8:30 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Meless Zewdu

M. Z.

Examiner

11 August 2004.



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